IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2389 OF 2006

Popat S. Toraskar and anr. ... Applicants

Versus

The State of Maharashtra .... Respondents

Mr. Rahul S. Kulkarni for the applicants.
Dr. F.R. Shaikh, Additional Public Prosecutor, for the State.

CORAM: **KSHITIJ R. VYAS, C.J.**

DATE: JULY 14, 2006.

P.C.

Having heard the learned counsel appearing for the applicants as well as the learned Additional Public Prosecutor, in my opinion, no case is made out against applicant No.1, Popat Shivaji Toraskar. The learned counsel for the applicant, therefore, seeks leave to withdraw this application as against applicant No.1. Leave granted.

2. Having considered the case of applicant No.2, Sujeet Shankar Jadhav (original accused No.3) and having perused the relevant evidence, I am of the view that *prima facie* no overt act is alleged against applicant No.2. The medical evidence does not support the say of the other witnesses. In view of this, as far as application

No.2 is concerned, he has made out a case for grant of bail.

3. In the result, this petition is partly allowed. Prayer to release applicant No.1 is rejected as withdrawn.

Applicant No.2 is ordered to be released on bail on his executing a bail bond in the sum of Rs. 10,000/- with one surety in the like amount on the usual terms and conditions. Applicant No.2 to report to Vadgaon Police Station twice a month i.e. on the first and the last days of every month at any time between 11.00 a.m. and 5.00 p.m.

CHIEF JUSTICE